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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,501	03/07/2002	Vladimir Kliatzkin	P-2684-US	7024

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EXAMINER

ALEJANDRO, RAYMOND

ART UNIT PAPER NUMBER

1745

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,501

Applicant(s)

KLIATZKIN, VLADIMIR

Examiner

Raymond Alejandro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration believes the named inventor or inventors to be the first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "1", "2", "3", "4", "5", "6" has been used to designate different parts in each drawing, it is noted that throughout the entire specification the foregoing reference numerals has been used to designate more than one (1) structure or feature (See Pages 9-12). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 8. A proposed drawing

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correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to because: *the Brief Description of Drawings does not include a description for each figure of drawing, in particular, it is noted that drawing sheet 2/4 presents two different drawings but it labels both figures as Fig. 2.* A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

6. In the abstract (observation): applicant is advised that the abstract of the International Publication WO 01/18890 is being used as the abstract of the instant disclosure for purpose of prosecution, however, in the event the applicant wishes to provide a different abstract, please do so by submitting a new drafted abstract.

7. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

8. Claims 4-10 and 13-26 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim.

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See MPEP § 608.01(n). *Accordingly, the claims 4-10, 13-14, 16, 18, 22-26 not been further treated on the merits.*

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-3 and 11-12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: since claim 1 recites that the rechargeable electrochemical battery cell comprises a closed housing including two or more units, it is unclear as to what particular structural configuration or orientation the instant claims intend to recite as no further description of such structure is being recited by the instant claims. Further clarification is required.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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13. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Honda et al 5580676.

The present application is directed to a battery cell wherein the disclosed inventive concept comprises the specific unit configuration.

Honda et al disclose a rectangular battery including a plurality of cathode plates and anode plates alternately superposed via a separator to face each other. The cathode plates and the anode plates are consecutively packed with the separator and being folded at a separator fusing portion between the plates (ABSTRACT). It is disclosed that the anode plate is formed by a copper foil having both or one side thereof coated with a mixed anode agent; the separator is composed of a polymeric material and the rectangular battery has at least the cathode plates or the anode plates respectively packed with the separator, intrusion of the powder of the cathode plate and the anode plate into each other is prevented (COL 2, lines 25-38). It is disclosed that the layered product formed by the electrode plates and the separator is inserted into a rectangular battery casing and then a liquid electrolyte is filled therein (COL 1, lines 15-20). It is disclosed the electrode are enveloped by or packed between the separators and the packed electrode plates being folded at the separator fusing portion (COL 1, lines 60-67).

Figures 18 and 20 below illustrate battery embodiments

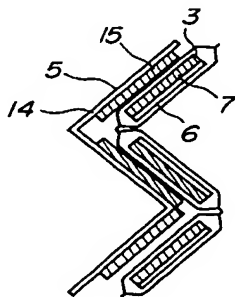
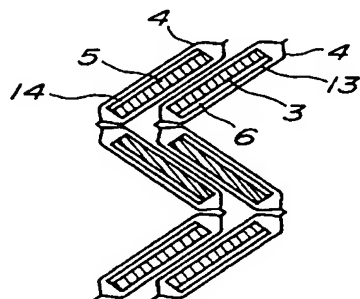


FIG. 18

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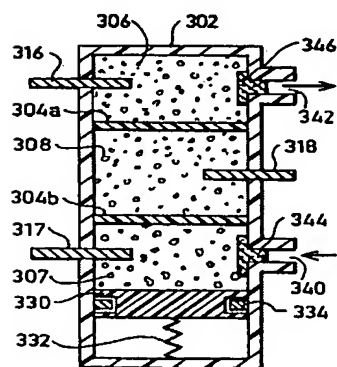
**FIG. 20**

Thus, the claims are anticipated.

14. Claims 1-3 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Erez et al 5480742.

Erez et al teach an electrochemical cell including compressed-unbonded electrode granules and liquid electrolyte (TITLE); including a housing containing a cathode electrode, an anode electrode, electrode terminals; characterized in that the electrodes are in the form of unbonded granules located in separate compartments within the housing and separated by a separator; the granule filling their respective compartments and being subjected to compressive forces to produce good electrical contact between their outer surfaces (ABSTRACT).

Figures 4-5 shows the electrochemical cell embodiment:

**FIG. 4**

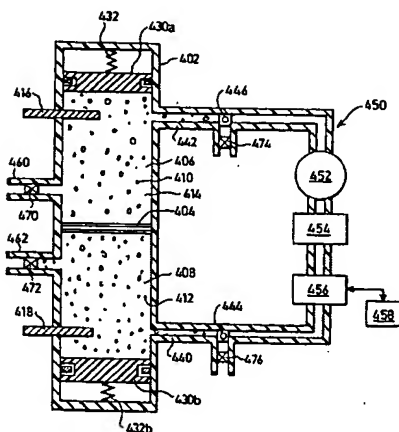


FIG. 5

The above figures depict the electrochemical cell having a housing with two separators thereby dividing the interior of the cell into three compartments; and the terminals could be connected together wherein the two outside compartments serve as the cathode and the middle compartment acts as the anode (COL 4, lines 26-38). Figure 5 shows a similar electrochemical cell wherein the housing comprises an insulating layer polypropylene or rubber (COL 4, line 62 to Col 5, line 7).

Thus, the claims are anticipated.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Alejandro whose telephone number is (703) 306-3326. The examiner can normally be reached on Monday-Thursday (8:30 am - 7:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on (703) 308-2383. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Raymond Alejandro
Examiner
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A handwritten signature in black ink, appearing to read 'RAYM', is written over a long, sweeping horizontal line that extends from the right side of the signature towards the left.